

REMARKS

Claims 1, 4, 5, 8-23, 25, 28-37 and 40-42 are pending. Favorable reconsideration is respectfully requested.

The rejection of the claims under 35 U.S.C. §102(a) over Mayer et al., Abstract of Poster Presentation at the Mountain West Society for Toxicology Meeting, Taos New Mexico, September 2001 (Mayer et al. 2001), is respectfully traversed.

The Rule 132 Declaration submitted from the Inventors demonstrates that Mayer et al. 2001 is not the work of “another.” Rather, it is the Inventors’ own work. See paragraphs 4 and 5 of the Declaration. Accordingly, that Abstract is not available as prior art against the present application under 35 U.S.C. §102(a). Withdrawal of this ground of rejection is respectfully requested.

The rejection of the claims under 35 U.S.C. §102(a) over Mayer et al., Abstract of poster presentation at the Endocrinology Annual Meeting, San Francisco, CA June 2002 (Mayer et al. 2002), is respectfully traversed.

The Rule 132 Declaration submitted from the Inventors demonstrates that the Mayer et al. 2002 is not the work of “another.” Rather, it is the Inventors’ own work. See paragraphs 6 and 7 of the Declaration. Accordingly, that Abstract is not available as prior art against the present application under 35 U.S.C. §102(a). Withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 41 and 43 under 35 U.S.C. §102(b) over Acarturk is believed to be obviated by the amendments submitted above.

Claim 41 has been amended to specify administering 4-vinylcyclohexene diepoxide at a dosage of at least 100 mg/kg/day, which is not disclosed or suggested by the reference.

Claim 43 has been canceled.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 1 and 20 under 35 U.S.C. §103(a) over Kao et al. in view of Mayer et al. 2001 or Mayer et al. 2002 is respectfully traversed. As discussed above, Mayer et al. 2001 and Mayer et al. 2002 are not available as prior art against the present application. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 1 and 21 under 35 U.S.C. §103(a) Abel et al. in view of Mayer et al. 2001 or Mayer et al. 2002 and further in view of Judd is respectfully traversed. As discussed above, Mayer et al. 2001 and Mayer et al. 2002 are not available as prior art against the present application. Accordingly, withdrawal of this ground of rejection is respectfully requested.

The rejection of Claims 37, 38, 41-43 and 45-47 under 35 U.S.C. §103(a) over Acarturk in view of Kao et al. and further in view of Judd is believed to be obviated by the amendments submitted above.

Claims 37 and 41 have been amended to recite administering to the animal 4-vinylcyclohexene diepoxide at a dosage of at least 100 mg/kg/day, which is neither disclosed nor suggested by the cited references. Accordingly, withdrawal of this ground of rejection is respectfully traversed.

The rejection of Claims 37, 38, 45-47 under 35 U.S.C. §112, second paragraph, is believed to be obviated by the amendments submitted above. Claim 37 has been amended to recite administering to the animal 4-vinylcyclohexene diepoxide at a dosage of at least 100 mg/kg/day. Claims 40 and 45-47 have been canceled.

In view of the foregoing, the claims are definite within the meaning of 35 U.S.C. §112, second paragraph. Withdrawal of this ground of rejection is respectfully requested.

The "double patenting" objection with respect to Claims 37 and 45 is believed to be obviated by the amendment submitted above. Claim 45 has been canceled.

A copy of reference AAJ cited at page 4 of the IDS filed on June 7, 2004 is submitted herewith. That Abstract is discussed at paragraphs 8 and 9 of the Declaration. Recognizing that the text is very small, Applicants submit herewith a copy of the text from the poster. The table under the heading "Lack of Effect of VCD Treatment on Hepatic Function" and the actual drawings in Figures 1-5 are not reproduced therein. If the Examiner would like any additional information about this reference, please contact the undersigned by telephone.

Applicants submit that the present application is in condition for allowance. Early notice to this effect is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Eckhard H. Kuesters

James J. Kelly, Ph.D.
Attorney of Record
Registration No. 41,504

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)